

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY DATA	)	
LINK, INC. FOR A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY	)	CASE NO.
TO PROVIDE INTERLATA AND INTRALATA	)	92-399
TELECOMMUNICATIONS SERVICES WITHIN	)	
THE COMMONWEALTH OF KENTUCKY	)	

O R D E R

This matter arising upon petition of Kentucky Data Link, Inc. ("Data Link") filed October 5, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the rates developed in connection with certain contracts between Data Link and its customers for telecommunications services on the grounds that disclosure of the information is likely to cause Data Link competitive injury, and it appearing to this Commission as follows:

In this proceeding, Data Link is seeking approval to provide certain interLATA and intraLATA telecommunications services within this state. Specifically, Data Link intends to offer private line services between its Points of Presence and private line local channel service. These services will permit its customers to have electronic mail, full motion video, as well as voice and data circuits. These services will be provided through a special contract with each customer and, by this petition, Data Link seeks to protect as confidential the rates to be charged under each contract.

The same or similar private line, point-to-point service can also be obtained from other telecommunications companies. Data Link contends that public disclosure of its rates would allow the competitors to market their competitive services to the detriment of Data Link.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). To qualify for an exemption, it must first be established that the information is confidential. Information available from other sources is not entitled to protection.

It is reasonable to assume that Data Link reveals its prices to customers and potential customers to whom it markets its services. There is nothing in the petition to suggest these customers are obligated to protect this information as confidential. They, therefore, provide an alternative source for this information and the information is not entitled to protection as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

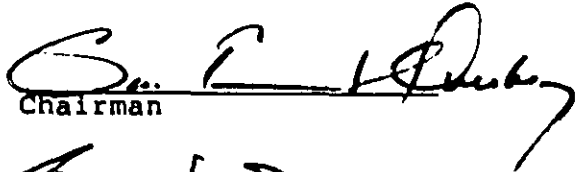
1. The petition to protect as confidential the rates developed by Data Link in connection with its contracts for telecommunications services, which Data Link has petitioned be withheld from public disclosure, be and is hereby denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential for a period of 20 days

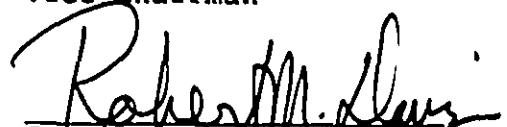
from the date of this Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 9th day of November, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director